FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2722 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms.Varsha Palav for Petitioners.
Mr.S.R.Shinde, APP. for State.
Mr. Prakash Naik for Respondent No.2.

CORAM : R.S. MOHITE,J.
DATED : 16/1/2006.

P.C.

1. This is an application seeking to quash and set aside the charge-sheet in proceeding No. 349/PW/2005 pending in the court of 33rd Metropolitan Magistrate, Ballard Pier, Mumbai. It is noticed that the case is a police case and the allegation is regarding the commission of offences punishable under Section 406, 465, 468, 471, 420, 477(a), 120-B of the I.P.C. In my view, as it is warrant triable case, proper remedy would be to file an application for discharge in the trial court. The advocate for the petitioner states that the application for

discharge will be filed within a period of two weeks from today. In the circumstances, the petitioner is granted leave to file application for discharge. Presently the petitioner is granted exemption from appearance for a period of two weeks before the trial court. If an application for discharge is made within two weeks from today then the trial court should decide the same expeditiously and in any case within six months from the date of receipt of the writ from this court. Till the application for discharge is decided, the petitioner is exempted from appearing before the trial court. Petition is disposed of. It is made clear that, if discharge application is not made within two weeks from today, then exemption from appearance will come to an end.

(R. S. MOHITE, J.)